

Message Text

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DRAFTED BY D/LOS:STAFF, S/P:NVELIOTES, S/AL:TVLEARSON

APPROVED BY THE SECRETARY

AF:DBOLEN

S/S:REDDY

S/P:WLORD

D/LOS:RCBREWSTER

S:AHERNE

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FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI NIACT IMMEDIATE

INFO USMISSION USUN NY PRIORITY

C O N F I D E N T I A L STATE 210530

EXDIS USUN FOR LOSDEL FOR THE AMBASSADOR FROM THE SECRETARY

E.O. 11652: GDS

TAGS: PLOS, KE

SUBJ: LOS: LETTER TO PRESIDENT KENYATTA FROM THE
SECRETARY

REFERENCE: STATE 190812

1. PLEASE DELIVER FOLLOWING MESSAGE FROM ME TO PRESIDENT
KENYATTA AND ADVISE TIME OF DELIVERY.

2. DEPARTMENT DOES NOT PLAN TO RELEASE TEXT AND WOULD
PREFER THAT GOK NOT RELEASE. IF THIS BECOMES AN ISSUE,
CONTACT DEPARTMENT BY IMMEDIATE CABLE.

3. BEGIN TEXT:

DEAR MR. PRESIDENT:

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I AM WRITING TO SOLICIT YOUR ASSISTANCE IN BRINGING THE
LAW OF THE SEA NEGOTIATIONS TO A SUCCESSFUL CONCLUSION.

I AM SURE THAT YOU SHARE MY VIEW THAT ONE OF THE IMPERA-
TIVES OF OUR TIME IS TO ENSURE THAT THE NATIONS OF THE
WORLD ESTABLISH AN INTERNATIONAL REGIME WHICH WILL CREATE

THE CONDITIONS FOR COOPERATIVE, PEACEFUL USE OF THE OCEANS
IN THE INTEREST OF MANKIND. IN THIS REGARD, OUR RESPECT-
IVE DELEGATIONS TO THE CURRENT SESSION OF THE LAW OF THE
SEA CONFERENCE IN NEW YORK ARE WORKING TO NARROW THE
DIFFERENCES AMONG NATIONS SO THAT THE FRAME OF AN ACCEPT-
ABLE INTERNATIONAL REGIME FOR SEVENTY PERCENT OF THE
EARTH'S SURFACE CAN BECOME A REALITY IN THE NEAR FUTURE.
AS YOU KNOW, THERE IS A GREAT DANGER THAT, UNLESS WE
ACHIEVE SUBSTANTIVE AGREEMENT ON MAJOR OUTSTANDING ISSUES
AT THIS SESSION, UNILATERAL ACTIONS BY STATES MAY EFFECT-
IVELY PRECLUDE THE ESTABLISHMENT OF AN INTERNATIONALLY
AGREED REGIME FOR THE FORESEEABLE FUTURE. I KNOW THAT
YOU AGREE THAT WE MUST DO EVERYTHING IN OUR POWER IN THE
SHORT TIME REMAINING TO US AT THIS SESSION TO ACHIEVE
THIS AGREEMENT.

ON AUGUST 13TH, I VISITED THE CONFERENCE TO MEET WITH
THE CONFERENCE LEADERSHIP AND THE HEADS OF CERTAIN KEY
DELEGATIONS IN ORDER TO PERSONALLY ASSESS THE SITUATION.
AT THAT TIME, I HAD THE PLEASURE OF MEETING WITH AMBAS-
SADOR MAINA AND MR. NJENGA, YOUR HIGHLY RESPECTED REPRE-
SENTATIVES TO THE CONFERENCE. I SHOULD NOTE THAT THROUGH
THEM, KENYA PLAYS A MOST INFLUENTIAL LEADERSHIP ROLE, BOTH
WITH OTHER AFRICAN NATIONS, AND WITH THE CONFERENCE AS A
WHOLE. MY MEETING WITH THEM WAS EXTREMELY USEFUL. AS A
RESULT, I ACQUIRED A MUCH GREATER APPRECIATION OF THE
PROBLEMS AND OPPORTUNITIES IN THE NEGOTIATIONS. IN
PARTICULAR, OUR MEETING ENABLED ME TO APPRECIATE THE
OVERRIDING IMPORTANCE OF COOPERATION BETWEEN OUR TWO
DELEGATIONS IN RESOLVING THE MAJOR ISSUES FACING US.

AT PRESENT, WE APPEAR TO HAVE DIFFERENCES ON THE QUESTIONS
OF THE LEGAL STATUS OF THE 200 MILE ECONOMIC ZONE AND
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A REGIME FOR SCIENTIFIC RESEARCH TO BE CONDUCTED BY OTHER
COUNTRIES WITHIN THE 200 MILE ECONOMIC ZONE. BOTH OF
THESE ISSUES ARE OF CRITICAL IMPORTANCE TO THE UNITED
STATES.

ON THE OTHER HAND, IT APPEARS TO ME THAT THESE ARE NOT
CRITICAL ISSUES TO KENYA. I DO NOT BELIEVE THAT THE UNITED
STATES POSITION, IF ADOPTED, WOULD INTERFERE WITH ANY

SIGNIFICANT KENYAN INTEREST IN THE CONFERENCE, INCLUDING FISHERIES. IF YOU AGREE WITH THIS ANALYSIS, YOU COULD MAKE A GREAT CONTRIBUTION TO A SUCCESSFUL CONFERENCE BY MODIFYING YOUR COUNTRY'S POSITION IN THESE AREAS, AND COMMUNICATING TO YOUR DELEGATION YOUR INTENTION THAT IT SUPPORT US ON THESE ISSUES.

MR. PRESIDENT, WE ARE RAPIDLY APPROACHING THE POINT WHERE A HISTORIC OPPORTUNITY WILL BE WON OR LOST IN NEW YORK. THE UNITED STATES IS DETERMINED TO MAKE EVERY EFFORT TO SEE THAT SUCCESS CROWNS OUR MUTUAL LABORS IN THE INTEREST OF THE INTERNATIONAL COMMUNITY. THIS WILL ONLY BE POSSIBLE, HOWEVER, IF OUR FRIENDS JOIN US IN AN ACT OF POLITICAL WILL AT THE HIGHEST LEVELS. IN THIS RESPECT, I PLAN TO RETURN TO THE CONFERENCE ON SEPTEMBER 1 AGAIN PERSONALLY TO LEAD MY DELEGATION IN AN ATTEMPT TO ACHIEVE A FINAL SUBSTANTIVE BREAKTHROUGH. I AM DEEPLY APPRECIATIVE OF THE ALREADY CLOSE COOPERATION BETWEEN OUR TWO DELEGATIONS AND WE LOOK FORWARD TO CONTINUE WORKING CLOSELY TOGETHER WITH KENYA IN THIS ENDEAVOR.

AS I TOLD YOUR FOREIGN MINISTER RECENTLY IN WASHINGTON, I STILL HAVE MANY WARM MEMORIES OF MY STAY IN YOUR COUNTRY.

WITH BEST WISHES.

RESPECTFULLY YOURS,

HENRY A. KISSINGER

END TEXT. KISSINGER

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